

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

MARCUS ANTONIO SATTERFIELD,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:25-cv-337
	)	
WARDEN RONNIE SPEARMAN, and	)	
STATE OF NORTH CAROLINA,	)	
	)	
Respondent.	)	

**ORDER**

The matter is before this court for review of the Order and Recommendation ("Recommendation") filed on May 6, 2025, by the United States Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 2.) In the Recommendation, the Magistrate Judge recommends that the Petition should be filed and then dismissed, without prejudice to Petitioner filing a new petition on the proper habeas corpus forms with the \$5.00 filing fee, or a completed application to proceed in forma pauperis. The Recommendation was served on Petitioner in this action on May 6, 2025. (Doc. 3.) Petitioner timely filed objections, (Doc. 4), to the Recommendation. In addition, Petitioner filed an application to proceed in forma pauperis. (Doc. 5.) Although Petitioner filed an application to proceed in forma pauperis, correcting one of the deficiencies, Petitioner did not respond to the

Magistrate Judge's findings that Petitioner has not exhausted his state court remedies.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

This court has appropriately reviewed the portions of the Recommendation to which the objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation.<sup>1</sup> This court therefore adopts the Recommendation.

**IT IS THEREFORE ORDERED** that the Magistrate Judge's Recommendation, (Doc. 2), is **ADOPTED. IT IS FURTHER ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** to Petitioner filing a new petition which corrects the defects of the current Petition. The court further finds there is no substantial showing of the denial of a constitutional right affecting the

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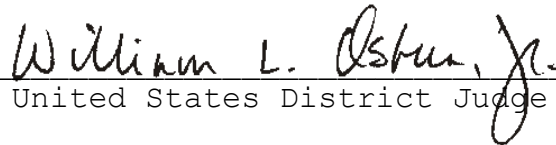
<sup>1</sup> Petitioner's pleadings as to his various petitions and appeals are confusingly described. If Petitioner has exhausted his state court remedies or they are exhausted in the future, Petitioner needs to clearly state that fact.

conviction nor a debatable procedural ruling, therefore a certificate of appealability is not issued.

**IT IS FURTHER ORDERED** that Petitioner's Application to Proceed In Forma Pauperis, (Doc. 5), is **DENIED** as **MOOT**.

A Judgment dismissing this action will be filed contemporaneously with this Order.

This the 20th day of May, 2025.

  
United States District Judge